

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Amber McClair,

Case No. 3:11 CV 1313

Plaintiff,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Catherine Harman, et al.,

Defendants.

Pending before this Court are Defendants Harman's and O'Connell's Motion to Dismiss (Doc. 16) and Defendant Local #2415, AFSCME's Motion to Dismiss (Doc. 17). This case was referred to Magistrate Judge Vernelis Armstrong for a Report and Recommendation ("R&R"), and the matter was fully briefed (Docs. 16, 19 & 20). The R&R recommends this Court grant Defendants' Motions to Dismiss (Doc. 22). Under the relevant statute, 28 U.S.C. § 636(b)(1):

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

Plaintiff's deadline for filing objections was April 5, 2012. It is now April 11, 2012, and Plaintiff has yet to file objections. The R&R accurately states the facts and law, and this Court adopts it in its entirety. Accordingly, the Motions to Dismiss are granted.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

April 11, 2012